

Washington, DC -- Today, U.S. Senator Charles E. Schumer (D-NY) and U.S. Representatives Michael A. Arcuri (D-Utica) and John M. McHugh (R-Pierrepont Manor) sent a letter to U.S. Department of the Interior Secretary Kempthorne condemning the decision to place 18 acres of land in Verona, NY into trust for the Oneida Indian Nation and demanding assurances that no future action will be taken without public notification and explanation.

“We need answers--and fast--from the Bureau of Indian Affairs and the GSA as to how they gave away federally-held public land in the dead of night, with no opportunity for input or review on such a contentious matter,” **Schumer said**. “This smacks of a backroom deal by a lame duck administration, and I will fight with my delegation partners to end this practice and stop it from expanding to other areas. Sadly, this action decimates any sliver of confidence the public had in the fairness of the land trust process.”

“The Interior Department’s secretive and unilateral action is intolerable, and on behalf of our constituents we are demanding answers,” **Arcuri said**. “All this placement does is undermine any chance of a negotiated settlement that is best for all parties. Time and again I have asked the Interior Department to do what is best for local residents, but they continue to ignore the needs of Upstate New York.”

“As clearly evidenced in our letter to Secretary Kempthorne, I believe the Interior Department’s actions regarding the land into trust issue are unacceptable and certainly not in the best interest of the people of Oneida and Madison Counties. This move is part of a disturbing pattern of behavior by the Department, and I want to ensure we get answers about how this process has been conducted,” **McHugh said**. “Protecting local communities and my constituents are my top priorities, and I will continue to work to ensure the end result is a negotiated settlement that protects local interests.”

Schumer, Arcuri and McHugh requested that no additional land be taken into trust until an open and thorough application process is instated, writing “We believe that this particular land transfer was unacceptable, made as it was via a poor process, with woefully inadequate notification to relevant federal, state and local officials, and we firmly request that you do not take any more land into trust on behalf of the Nation until this process is corrected.”

Below is a copy of the letter Schumer, Arcuri and McHugh sent to Secretary Kempthorne:

January 8, 2008

The Honorable Dirk Kempthorne
Secretary, U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Kempthorne:

We write to express our displeasure regarding the way that the Bureau of Indian Affairs (BIA) took 18 acres of land in Oneida County, New York, into trust for the benefit of the Oneida Indian Nation of New York (Nation). In general, we have many concerns regarding the efficacy and appropriateness of the land-in-trust process. At a minimum, any land taken into trust must take place in the open, subject to full environmental review, etc. We believe that this particular land transfer was unacceptable, made as it was via a poor process, with woefully inadequate notification to relevant federal, state and local officials, and we firmly request that you do not take any more land into trust on behalf of the Nation until this process is corrected.

We have two major objections to the process by which this land was taken into trust. First, we are disappointed that the BIA did not notify any interested party before this transfer was made. At the very least, we feel that it was incumbent upon BIA to notify the local governments and congressional delegation that the transfer was imminent. Ideally such a transfer could only be completed after a full public comment and review. Second, we feel that the timing of this transfer is extremely poor. The BIA and the Department of the Air Force had agreed not to transfer title of the land until final resolution of Nation's application for trust land under 25 C.F.R. § 151. Although a Record of Decision (ROD) has been issued for that application, the process is certainly not finished: there are seven pending lawsuits, and the BIA and other parties have an agreement that no land will be taken into trust, pursuant to the ROD, without prior notice to all parties or until those lawsuits are resolved.

The 18 acres in question were transferred to the BIA under 40 U.S.C. § 523. We would like to know of any other land transfers under Section 523 in New York State which have been proposed, or are ongoing, pending or deferred. In particular, we would like to know which 18 acres at the Verona Test Facility were taken into trust and if there are any plans to take into

trust the remaining 495 acres which are also held by the General Services Administration (GSA).

We are deeply concerned that the process by which this land was taken into trust subverts the process of allowing for full public participation and knowledge. We ask that you take every possible step to ensure that similar actions are not taken again. Specifically, we would like your assurance that no land will be taken into trust for the benefit of the Nation until all of the lawsuits surrounding the Nation's Part 151 trust are resolved. Furthermore, if after the lawsuits are resolved the BIA intends to take land into trust, we ask that you provide us and the local governments with advanced notice and an opportunity to comment.

Sincerely,

Charles E. Schumer
U.S. Senate

Michael A. Arcuri
Member of Congress

John McHugh
Member of Congress